

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

OPERATING ENGINEERS LOCAL	)	
NO. 101 PENSION FUND, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 02-0971-CV-W-DW
	)	
K.C. EXCAVATING & GRADING, et. al.,	)	
	)	
Defendants.	)	

**ORDER**

On March 23, 2007, since neither Party had responded to the Court's previous Order to Show Cause, the Court ordered Plaintiffs to update the Court as to the status of the case within twenty (20) days of the date of the Order or risk dismissal.

On April 11, 2007, Plaintiffs responded that they had no objection to the Court's dismissal of this case. Accordingly, pursuant to Plaintiffs' response, the above captioned case is DISMISSED WITHOUT PREJUDICE with each party to bear its own costs.

IT IS SO ORDERED.

Date: April 12, 2007

/s/ DEAN WHIPPLE  
Dean Whipple  
United States District Judge